

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DALE A. GUILFOIL,)	
)	
Plaintiff,)	
)	
v.)	C. A. No. 06-493-GMS
)	
DAVID PIERCE, et al.,)	JURY TRIAL REQUESTED
)	
Defendants.)	

DEFENDANTS' MOTION FOR LEAVE TO DEPOSE PLAINTIFF

COME NOW Defendants David Pierce, James Scarborough and Karl Hazzard ("Defendants"), by and through undersigned counsel, and respectfully move this Honorable Court to enter an Order granting Defendants' counsel the right to depose Plaintiff Dale Guilfoil ("Plaintiff"), an incarcerated individual:

1. Plaintiff is an inmate incarcerated at the Sussex Correctional Institution in Georgetown, Delaware.
2. Counsel for the Defendants wishes to depose Plaintiff as part of discovery in this case.
3. The discovery deadline in this matter is August 16, 2007.
4. Fed. R. Civ. P. 30(a)(2) requires leave of the Court to depose an incarcerated individual.
5. A form of order is attached to this Motion that grants Defendants' counsel the right to depose Plaintiff.

WHEREFORE, Defendants respectfully request that this Honorable Court grant their Motion for Leave to Depose Plaintiff Dale Guilfoil.

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/ Eileen Kelly
Eileen Kelly, I.D. #2884
Deputy Attorney General
Carvel State Office Building
820 North French Street, 6th Floor
Wilmington, Delaware 19801
(302) 577-8400
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Attorney for Defendants

Date: June 25, 2007

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DALE A. GUILFOIL,)	
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v.)	C. A. No. 06-493-GMS
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DAVID PIERCE, et al.,)	JURY TRIAL REQUESTED
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7.1.1 CERTIFICATE OF COUNSEL

Undersigned counsel hereby certifies, pursuant to Local Rule 7.1.1, that:

1. Plaintiff Dale Guilfoil is currently incarcerated and it is not practical for undersigned counsel to communicate with him concerning Defendants' Motion for Leave to Depose Plaintiff.
2. Therefore, undersigned counsel assumes that the Motion is opposed.

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

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ORDER

This _____ day of _____, _____,

WHEREAS, Defendants having requested leave to depose Plaintiff Dale Guilfoil pursuant to Fed. R. Civ. P. 30(a); and

WHEREAS, there being good cause shown for the granting of such motion;

IT IS HEREBY ORDERED, that Defendants' Motion for Leave to Depose Plaintiff shall be granted and Defendants shall have the right to depose Plaintiff Dale Guilfoil.

U.S. District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on June 25, 2007, I electronically filed *Defendants' Motion For Leave to Depose Plaintiff* with the Clerk of Court using CM/ECF. I hereby certify that on June 25, 2007, I have mailed by United States Postal Service, the document to the following non-registered party: Dale Guilfoil.

/s/ Eileen Kelly
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Attorney for Defendants